

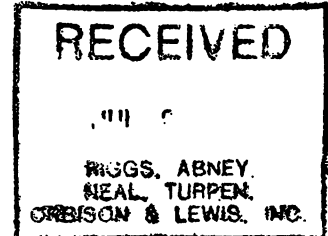
McDANIEL,
HIXON,
LONGWELL &
ACORD, PLLC
ATTORNEYS AND COUNSELORS

320 S. Boston Ave.
Suite 700
Tulsa, Oklahoma 74103

- Office: (918) 382-9200
- Facsimile: (918) 382-9282

July 20, 2007

David Riggs
Riggs Abney Neal Turpen Orbison & Lewis
502 West 6th Street
Tulsa, Oklahoma 74119-1010



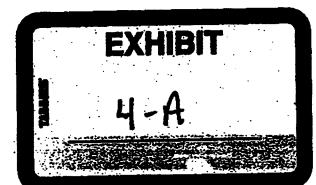
Re: *State of Oklahoma v. Tyson Foods, Inc., et al.*,
Case No. 05-CV-0329 GKF-SAJ
In the U.S. District Court, Northern District of Oklahoma
Communications between Plaintiff's Counsel and Kerry Kinyon

Dear David:

A very serious matter came to light in "Plaintiff's Responses to Peterson Farms' Interrogatories and Requests for Production of Documents Served on March 30, 2007." Plaintiff's answer to Interrogatory No. 1 indicates that counsel for Plaintiff have communicated with Kerry Kinyon, former Vice President of Operations for Peterson Farms. Although Mr. Kinyon is no longer employed by Peterson Farms, he served in a number of roles, was an officer of the Corporation, and worked directly with counsel in the defense of this matter.

Mr. Kinyon possesses attorney-client privileged information, which he has not been authorized by the privilege holder to disclose. He was also privy to the mental impressions of counsel, and was the direct liaison between counsel and Peterson Farms at times during his tenure. The fact that Plaintiff's counsel would have ex parte discussions with Mr. Kinyon is disturbing to say the least. Granted, he is no longer an employee or officer of Peterson Farms; however, his status, role, involvement and knowledge of protected information implicate a number of ethical considerations.

My intention is to approach this situation cautiously, and not to reach any premature conclusions about the propriety of any attorney's conduct until I completely understand the situation. Accordingly, I ask that you produce copies of all communications between anyone on the Plaintiffs' team and Mr. Kinyon, and provide me with a written explanation of the circumstances of the communication, identify the parties to the communication, as well as an



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explanation of the specific matters discussed. Your cooperation may allow this matter to be put to bed rather early; however, if your assistance is not full and forthcoming, I will have no choice but to seek assistance from the appropriate authorities. I look forward to your response.

Best regards

MCDANIEL, HIXON, LONGWELL & ACCORD, PLLC


A. Scott McDaniel

ASM:jlw

cc: Sherry Bartley, Esq.